

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

X

JEREMY LEVIN and DR. LUCILLE LEVIN,

Plaintiffs,

- against -

BANK OF NEW YORK, JP MORGAN  
CHASE, SOCIETE GENERALE, and  
CITIBANK,

Defendants.

Case No. 09 Civ. 5900 (RPP)

(FILED PARTIALLY UNDER SEAL  
DUE TO CONFIDENTIAL  
INFORMATION PER ORDER  
DATED JANUARY 21, 2010)

THE BANK OF NEW YORK MELLON,  
JPMORGAN CHASE BANK, N.A., SOCIETE  
GENERALE and CITIBANK, N.A.,

Third-Party Plaintiffs,

- against -

STEVEN M. GREENBAUM, STEVEN M.  
GREENBAUM (as administrator of the estate of  
JUDITH GREENBAUM), ALAN D.  
HAYMAN, SHIRLEE HAYMAN, *et al.*,

Third-Party Defendants.

X

**DECLARATION OF SHARON L. SCHNEIER  
IN SUPPORT OF CITIBANK, N.A.'S RESPONSE TO  
PLAINTIFFS' PARTIAL MOTION FOR SUMMARY JUDGMENT  
ON CLAIMS FOR TURNOVER ORDER PHASE ONE ASSETS**

SHARON L. SCHNEIER declares under penalty of perjury as follows:

1. I am a member of the law firm of Davis Wright Tremaine LLP, counsel for defendant/third-party plaintiff Citibank, N.A. ("Citi") in the above-referenced action, and am duly admitted to practice law in this Court. I make this Declaration in support of Citi's response to Plaintiffs' motion for partial summary judgment on claims for turnover order phase one assets, in order to place before the Court copies of certain documents that are referenced in Citi's

accompanying memorandum of law and to provide the Court with copies of decisions that are unpublished in official reporters. Because some of the documents annexed hereto contain confidential and/or proprietary information subject to the Confidentiality Stipulation and Order entered into by the parties in this case, which was So-Ordered by the Court on October 26, 2009, as amended thereafter on January 10, 2010, this Declaration is being filed partially under seal.

2. Annexed herewith as Exhibit 1 is a copy of a letter to The Honorable Robert P. Patterson from Sharon L. Schneier, dated December 10, 2009, which is being filed under seal.

3. Annexed herewith as Exhibit 2 is a true and correct copy of a letter from the United States Department of Justice to The Honorable Alvin K. Hellerstein, dated August 22, 2008, which was filed in *Rux v. ABN Amro Bank N.V., et al.*, 08 Civ. 6588 (AKH) (S.D.N.Y.).

4. Annexed herewith as Exhibit 3 is a true and correct copy of the Declaration of John E. Smith, sworn to on November 21, 2008, which was filed in *Rux v. ABN Amro Bank N.V., et al.*, 08 Civ. 6588 (AKH) (S.D.N.Y.).

5. Annexed herewith as Exhibit 4 is a true and correct copy of the Statement of Interest of The United States of America, dated November 21, 2008 which was filed in *Rux v. ABN Amro Bank N.V., et al.*, 08 Civ. 6588 (AKH) (S.D.N.Y.).

6. Annexed herewith as Exhibit 5 is a true and correct copy of the Statement of Interest of United States of America in Response to Petitioners' Motion for Immediate Turnover of Funds, dated January 12, 2009, which was filed in *Rux v. ABN Amro Bank N.V., et al.*, 08 Civ. 6588 (AKH) (S.D.N.Y.).

7. Annexed herewith as Exhibit 6 is a true and correct copy of the Memorandum of Law for Amicus Curiae the Clearing House Association L.L.C. in Opposition to the Petition,

dated July 29, 2010, which was filed in *Hausler v. JPMorgan Chase N.A., et al.*, 09 Civ. 10289 (VM) (S.D.N.Y.).

8. Annexed herewith as Exhibit 7 is a true and correct copy of the Decision and Order of The Honorable Victor Marrero in *Hausler v. JP Morgan Chase Bank, N.A.*, 09 Civ. 10289 (VM) (S.D.N.Y.), which was filed on September 13, 2010.

9. Annexed herewith as Exhibit 8 is a true and correct copy of a document produced by Citi in response to Plaintiffs' First Request for Production of Documents, dated January 26, 2010. This document refers to a wire transfer that was designated by Plaintiffs for inclusion in Phase 1 (as defined by the Court) in these proceedings. A print-out of the electronic funds transfer (which is a business record of Citi) reflects the various parties to that transaction. The proceeds of this transaction was placed in a blocked account at Citi in accordance with OFAC regulations. The document is subject to the protections of the Confidentiality Order and is filed under seal.

10. Annexed herewith as Exhibit 9 is a true and correct copy of the Second Circuit's Decision in *Scanscot Shipping Services GMBH v. Metales Tracomex Ltda.*, 2010 WL 3169304 (2d Cir. Aug. 12, 2010).

11. Annexed herewith as Exhibit 10 is a true and correct copy of the Second Circuit's decision in *Goodearth Maritime Ltd. v. Calder Seacarrier Corp.*, No. 09-5068-cv, 2010 U.S. App. LEXIS 14450 (2d Cir. July 14, 2010).

12. Annexed herewith as Exhibit 11 is a true and correct copy of the Second Circuit's decision in *Allied Maritime, Inc. v. Descatrade SA*, 09-5329-cv, 2010 U.S. App. LEXIS 18430 (2d Cir. Sept. 3, 2010).

13. Annexed herewith as Exhibit 12 is a true and correct copy of a decision from the Southern District of New York in *Allied Maritime, Inc. v. Descatrade S.A.*, 09 Civ. 3684, 2009 U.S. Dist. LEXIS 117383 (S.D.N.Y. Dec. 16, 2009).

I declare under the penalty of perjury that the foregoing is true and correct.

Dated: New York, New York  
September 15, 2010



Sharon L. Schneier